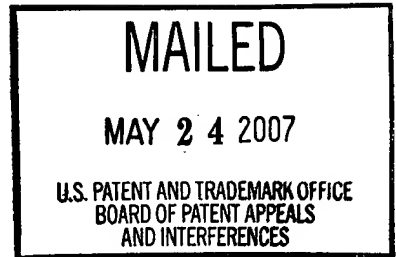


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: HONGJIE CAO GARY T. MARTINO
and PAUL H. RICHARDSON

Application No. 09/932,435



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on March 13, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER

NEW GROUND OF REJECTION

On November 2, 2005, a Final Rejection was mailed which included a rejection to Claims 12, 21-22, and 27 which were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kousel (JP 11-236310). In the Final Rejection mailed November 2, 2005, the reference to Holloran (6,147,038) was identified to be of interest only. On December 13, 2006, an Examiner's Answer was mailed in response to the Appeal Brief filed September 26, 2006. The

Application No. 09/932,435

Examiner's Answer included a new ground of rejection, where the same above Claims 12, 21-22, and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kousel (JP 11-236310) optionally in view of Holloran (6,147,038).

When a new ground of rejection is introduced in the Examiner's Answer, the Examiner is required to obtain approval of the Technology Center Director or his/her designee. See MPEP § 1207.02.

To correct this problem, the examiner will need to vacate the Examiner's Answer mailed December 13, 2006, and mail a revised or Supplemental Examiner's Answer with the approval of the Technology Center Director or designee.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner for:

- 1) vacating the Examiner's Answer mailed December 13, 2006, issuing a revised Examiner's Answer to include the approval of the Technology Center Director or his/her designee; and
- 2) such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(703)308-9797

PJN/dpv

Application No. 09/932,435

National Starch and Chemical Company
P.O. Box 6500
Bridgewater, NJ 08807-3300